

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following standing committees have filed favorable reports on bills as follows:

Revenue and Taxation—House bills Nos. 43, 1, 40, 10 and 56.

Game and Fisheries—House bill No. 33.

The following standing committees have filed unfavorable reports on bills as follows:

Commerce and Manufactures—House bill No. 50.

Revenue and Taxation—House bills Nos. 14 and 55.

## REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, May 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 9, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on the mining or production of sulphur by any method, system or manner, within this State; requiring reports to be made and records to be kept by those engaged in the business, and providing for the inspection thereof by certain public officials, their employees or representatives; prescribing penalties for the failure to comply with provisions of this act; providing for the payment of interest, penalties and costs by certain officials; fixing the venue therefor and the compensation of officials for said services; repealing House bill No. 328 passed at the Regular Session of the Thirty-eighth Legislature, levying an occupation tax on the production of sulphur, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

## FIFTH DAY.

(Thursday, May 24, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Lane.
Amsler.	LeMaster.
Arnold.	LeSturgeon.
Avis.	McBride.
Baker of Milam.	McDaniel.
Baker of Orange.	McDonald.
Barker.	McFarlane.
Barrett.	McKean.
Beasley.	Martin.
Bell.	Mathes.
Bird.	Maxwell.
Bonham.	Melson.
Bryant.	Merritt.
Burmeister.	Miller.
Cable.	Montgomery.
Carpenter	Moore.
of Dallas.	Morgan
Carpenter	of Liberty.
of Matagorda.	Morgan
Carson.	of Robertson.
Carter of Hays.	Pate.
Chitwood.	Patman.
Coffee.	Patterson.
Collins.	Perdue.
Covey.	Pinkston.
Cowen.	Pope.
Crawford.	Potter.
Culp.	Quaid.
Davenport.	Quinn.
Davis.	Rice.
DeBerry.	Robinson.
Dielmann.	Rogers.
Dinkle.	Russell
Dodd.	of Callahan.
Downs.	Russell of Trinity.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunlap.	Shearer.
Dunn.	Shires.
Durham.	Simpson.
Edwards.	Smith.
Faubion.	Sparkman.
Fields.	Stell.
Finlay.	Stevens.
Frnka.	Stewart
Fugler.	of Edwards.
Gipson.	Stewart
Greer.	of Galveston.
Hardin of Erath.	Stewart of Jasper.
Hardin	Stiernberg.
of Kaufman.	Storey.
Harris.	Strickland.
Henderson	Stroder.
of Marion.	Teer.
Henderson	Thompson.
of McLennan.	Thrasher.
Hendricks.	Turner.
Houston.	Vaughan.
Howeth.	Wallace.
Irwin.	Wells.
Jacks.	Westbrook.
Jennings.	Wessels.
Johnson.	Wilmans.
Kemble.	Wilson.
Lackey.	Winfree.
Laird.	Young.

## Absent.

Baldwin.	McNatt.
Bobbitt.	Pool.
Green.	Purl.
Harrington.	Rowland.
Hull.	Stewart of Reeves.
Lewis.	Williamson.
Loftin.	

## Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Hughes.	Price.
Jones.	Sackett.
Lamb.	Sweet.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Houston for last week, on motion of Mr. Arnold.

Mr. Turner for last week, on motion of Mr. Shearer.

Mr. Stewart of Jasper for Thursday, Friday and Saturday of last week, on motion of Mr. Shires.

Mr. Strickland for last week, on motion of Mr. Amsler.

Mr. Pope for last week, on motion of Mr. Arnold.

The following members were granted leaves of absence on account of sickness:

Mr. Jones for yesterday and today, on motion of Mr. Quaid.

Mr. Hughes for today, on motion of Mr. Henderson of McLennan.

Mr. Sweet for Monday, Tuesday, Wednesday and today, on motion of Mr. Kemble.

Mr. Looney for last week and the remainder of this week, on motion of Mr. Wessels.

Mr. Atkinson for today, on motion of Mr. Barker.

Mr. Price for yesterday, today and the remainder of the week, on motion of Mr. Patman.

## BILL ORDERED PRINTED.

Mrs. Wilmans moved that House bill No. 55, reported adversely with a minority favorable report, be printed.

Yeas and nays were demanded, and the motion to print prevailed by the following vote:

## Yeas—60.

Amsler.	LeMaster.
Arnold.	LeStourgeon.
Baker of Milam.	McBride.
Barrett.	McFarlane.
Beasley.	McKean.
Burmeister.	Mathes.
Cable.	Maxwell.
Carpenter	Melson.
of Matagorda.	Patterson.
Carson.	Perdue.
Carter of Hays.	Pinkston.
Coffee.	Rogers.
Collins.	Russell of Trinity.
Cowen.	Satterwhite.
Davenport.	Shires.
Davis.	Simpson.
Dodd.	Sparkman.
Downs.	Stell.
Driggers.	Stewart
Dunlap.	of Edwards.
Dunn.	Stewart
Durham.	of Galveston.
Edwards.	Stewart of Jasper.
Faubion.	Strickland.
Fields.	Stroder.
Finlay.	Teer.
Fugler.	Vaughan.
Greer.	Wells.
Howeth.	Westbrook.
Lackey.	Wilmans.
Laird.	Winfree.
Lane.	

## Nays—37.

Abney.	Jacks.
Avis.	Jennings.
Barker.	Kemble.
Bell.	Martin.
Carpenter	Merritt.
of Dallas.	Miller.
Chitwood.	Moore.
Covey.	Patman.
Crawford.	Pope.
DeBerry.	Rice.
Dielmann.	Russell
Frnka.	of Callahan.
Gipson.	Sanford.
Hardin	Shearer.
of Kaufman.	Smith.
Harris.	Stevens.
Henderson	Storey.
of Marion.	Thompson.
Henderson	Wallace.
of McLennan.	Wilson.
Houston.	Young.

## Present—Not Voting.

Mr. Speaker.	McDaniel.
Baker of Orange.	McDonald.
Bird.	Quaid.
Hendricks.	

## Absent

Baldwin.	Bonham.
Bobbitt.	Bryant.

Culp.	Morgan
Dinkle.	of Robertson.
Duffey.	Pate.
Green.	Pool.
Hardin of Erath.	Potter.
Harrington.	Purl.
Hull.	Quinn.
Irwin.	Robinson.
Johnson.	Rowland.
Lewis.	Stewart of Reeves.
Loftin.	Stiernberg.
McNatt.	Thrasher.
Montgomery.	Turner.
Morgan	Wessels.
of Liberty.	Williamson.

Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Hughes.	Price.
Jones.	Sackett.
Lamb.	Sweet.

#### EMPLOYEE OF THE HOUSE.

The Speaker announced the appointment of the following:

Page—Clarmont Clure, to take the place of John Martindale, resigned.

#### RELATING TO EQUALIZATION OF TAXES.

Mr. LeSturgeon offered the following resolution:

H. C. R. No. 5, Relating to equalization of taxes.

Whereas, Article 8, Section 18, of the State Constitution, directs the Legislature to provide for equalizing the valuation of all property rendered for taxation and that the county commissioners courts shall constitute boards of equalization for this purpose; and

Whereas, There is on the statute books of this State a full rendition law which, if carried out would tend to make taxation equal and uniform throughout the State; and

Whereas, It is commonly reported and extensively believed that many classes of property are not being rendered for taxation and inequalities exist in the rendition of different classes of property in the different counties; and

Whereas, The county commissioners courts of the various counties are, under the Constitution, the servants and agents of the State in equalizing and classifying property, and are charged publicly with neglect of their duty in this regard; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the

Chief Clerk of the House and the Secretary of the Senate be ordered to send five copies of this resolution to every county court in Texas and request the said county boards of equalization to hold a meeting within the next ten days and immediately send back to this body a full report of the condition existing in the county and a list of the classes of property that are being rendered and the percentage of their value at which they are being assessed; also an estimate of the amount and classes of property that may be suspected of escaping taxation under existing laws.

Signed—Lackey, McFarlane, Pool, Johnson, Russell, Mathes, Jennings, Burmeister, Fields, Sparkman, Turner, LeSturgeon, Greer, Cowen, Houston, Carpenter of Dallas, Irwin, Shires.

The resolution was read second time.

Mr. Patman moved that further consideration of the resolution be postponed indefinitely.

Mr. Bonham offered the following amendment to the resolution:

Amend the resolution by striking out lines 24 and 25 and line 26 down to the word "estimate," and inserting after the word "report" in line 23, the word "and."

The amendment was adopted.

Question then recurring on the motion to postpone indefinitely, yeas and nays were demanded.

The motion to postpone indefinitely prevailed by the following vote:

Yeas—63.

Abney.	Gipson.
Amsler.	Hardin of Erath.
Arnold.	Hardin
Avis.	of Kaufman.
Baker of Milam.	Harris.
Barrett.	Henderson
Beasley.	of Marion.
Bell.	Henderson
Bird.	of McLennan.
Bonham.	Hendricks.
Bryant.	Howeth.
Cable.	Laird.
Carpenter	Lane.
of Matagorda.	McBride.
Coffee.	McDaniel.
Crawford.	McDonald.
Culp.	Martin.
Davis.	Mathes.
DeBerry.	Melson.
Dodd.	Merritt.
Downs.	Miller.
Driggers.	Moore.
Durham.	Patman.
Finlay.	Pinkston.
Frnka.	Pope.

Rice.	Teer.
Rogers.	Thompson.
Sanford.	Vaughan.
Sparkman.	Wallace.
Stell.	Westbrook.
Stevens.	Wessels.
Stewart	Wilson.
of Edwards.	Winfree.
Strickland.	Young.

## Nays—39.

Barker.	McFarlane.
Burmeister.	McKean.
Carson.	Patterson.
Carter of Hays.	Perdue.
Chitwood.	Pool.
Covey.	Potter.
Cowen.	Russell
Davenport.	of Callahan.
Dielmann.	Russell of Trinity.
Duffey.	Shearer.
Dunlap.	Shires.
Edwards.	Simpson.
Greer.	Smith.
Houston.	Stewart
Irwin.	of Galveston.
Jennings.	Stiernberg.
Johnson.	Storey.
Kemble.	Stroder.
Lackey.	Thrasher.
LeMaster.	Turner.
LeSturgeon.	Wells.

## Absent.

Baker of Orange.	Maxwell.
Baldwin.	Montgomery.
Bobbitt.	Morgan
Carpenter	of Liberty.
of Dallas.	Morgan
Collins.	of Robertson.
Dinkle.	Pate.
Dunn.	Purl.
Faubion.	Quaid.
Fields.	Quinn.
Fugler.	Robinson.
Green.	Rowland.
Harrington.	Satterwhite.
Hull.	Stewart of Jasper.
Jacks.	Stewart of Reeves.
Lewis.	Williamson.
Loftin.	Wilmons.
McNatt.	

## Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Hughes.	Price.
Jones.	Sackett.
Lamb.	Sweet.

Mr. McDonald moved to reconsider the vote by which the resolution was postponed indefinitely and to table the motion to reconsider.

The motion to table prevailed.

### RELATING TO PURCHASE OF STOCK OF INTERNATIONAL-GREAT NORTHERN RAILWAY COMPANY.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 5, Relating to purchase of stock of the International-Great Northern Railway Company.

Whereas, The application made by the St. Louis & San Francisco Railway Company to the Interstate Commerce Commission for authority to purchase the stock of the International-Great Northern Railroad Company has been denied; and

Whereas, It is the opinion of the Legislature that the public interests would be served by the granting of said application and that same would result in great benefit to the people of Texas and the whole Southwest; and

Whereas, The Texas Legislature and the Texas people and the interests of the whole Southwest think and believe this merger should be allowed from a public standpoint as well as from the standpoint of the railroads affected; therefore, be it

Resolved by the Legislature of the State of Texas, That the Interstate Commerce Commission be and it is hereby requested to reconsider and grant said application and to authorize the said St. Louis & San Francisco Railway Company to purchase the stock of the International-Great Northern Railroad Company, and we respectfully request that the Interstate Commerce Commission reconsider and allow this merger and consolidation.

The resolution was read second time and was adopted.

### HOUSE BILL NO. 18 ON FINAL PASSAGE.

The Speaker laid before the House, as postponed business, on its final passage,

H. B. No. 18, A bill to be entitled "An Act to amend Article 7382, Chapter 2, Title 126, of the Revised Civil Statutes of the State of Texas, providing for a graduated increase of gross receipts on telephone companies, and providing for reports to be made as now provided by law and records preserved, and declaring an emergency."

The bill having heretofore been read third time.

Mr. Pope moved to reconsider the

vote by which the bill was passed to engrossment.

Mr. Culp raised a point of order on consideration of the motion to reconsider on the ground that the motion was not made in time under the rules of the House.

The Speaker sustained the point of order.

Mr. Lackey offered the following amendment to the bill:

Amend House bill No. 18 by adding after the word "State" in line 27, page 1, the words "and from report charges or service charges"; and by adding between lines 36 and 37, page 1, the following: "and said individuals, companies, corporations and associations, at the time of making said reports, shall pay to the Treasurer of the State of Texas an occupation tax for the preceding quarter equal to ninety per cent of the gross receipts derived from or collected as report charges or service charges as shown by said report, provided that in no event shall said report charges or service charges ever exceed on one call the sum of ten cents."

The amendment was adopted.

House bill No. 18 was then finally passed.

#### HOUSE BILL NO. 41 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 41, A bill to be entitled "An Act prescribing the method of the county tax collector making remittances to the State Treasurer or any other State officer, board, commission or employe of the State, and inhibiting the payment of exchange on any such remittances; providing that liability shall not cease until actual receipt of money, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 43 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 43, A bill to be entitled "An Act providing for the collection of delinquent occupation, franchise, inheritance and insolvent taxes, and other money due the State, and providing a means for collecting such taxes; repeal-

ing all laws in conflict with this act, and declaring an emergency."

The bill was read second time.

Mr. Carpenter of Matagorda offered the following amendment to the bill:

Amend House bill No. 43 by changing "ten per cent" wherever it occurs in the bill to "five per cent."

The amendment was adopted.

Mr. Moore offered the following amendment to the bill:

Amend House bill No. 43, page 2, line 22, by adding after the word "State" the following: "and now delinquent."

The amendment was adopted.

Mr. Faubion offered the following amendment to the bill:

Amend House bill No. 43 by striking out Section 6 on page 2 and renumbering the remaining sections.

The amendment was adopted.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 43 then failed to pass to engrossment by the following vote:

Yeas—40.

Amsler.	Johnson.
Beasley.	Lackey.
Bell.	LeMaster.
Carpenter	LeSturgeon.
of Matagorda.	McDonald.
Carsor.	Maxwell.
Carter of Hays.	Montgomery.
Chitwood.	Moore.
Collins.	Rice.
Culp.	Robinson.
Dielmann.	Shearer.
Dinkle.	Smith.
Driggers.	Sparkman.
Dunlap.	Stevens.
Dunn.	Stewart
Durham.	of Edwards.
Edwards.	Stiernberg.
Faubion.	Teer.
Harris.	Wells.
Henderson	Winfree.
of Marion.	Young.
Hendricks.	

Nays—63.

Arnold.	Davis.
Avis.	DeBerry.
Baker of Orange.	Dodd.
Barker.	Downs.
Barrett.	Duffey.
Bird.	Fields.
Cable.	Finlay.
Coffee.	Frnka.
Covey.	Gipson.
Cowen.	Green.
Crawford.	Greer.

Hardin of Erath.	Pool.
Hardin	Pope.
of Kaufman.	Quaid.
Henderson	Rogers.
of McLennan.	Russell
Houston.	of Callahan.
Howeth.	Sanford.
Jacks.	Satterwhite.
Laird.	Simpson.
Lane.	Stell.
McBride.	Stewart
McDaniel.	of Galveston.
McFarlane.	Stewart of Jasper.
Martin.	Storey.
Melson.	Stroder.
Merritt.	Thompson.
Miller.	Turner.
Morgan	Vaughan.
of Liberty.	Wallace.
Patman.	Westbrook.
Patterson.	Wessels.
Perdue.	Wilmans.
Pinkston.	Wilson.

Present—Not Voting.

Mr. Speaker. Strickland.

Absent.

Abney.	Loftin.
Baker of Milam.	McKean.
Baldwin.	McNatt.
Bobbitt.	Mathes.
Bonham.	Morgan
Bryant.	of Robertson.
Burmeister.	Pate.
Carpenter	Potter.
of Dallas.	Purl.
Davenport.	Quinn.
Fugler.	Rowland.
Harrington.	Russell of Trinity.
Hull.	Shires.
Irwin.	Stewart of Reeves.
Jennings.	Thrasher.
Kemble.	Williamson.
Lewis.	

Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Hughes.	Price.
Jones.	Sackett.
Lamb.	Sweet.

Mr. Pope moved to reconsider the vote by which the bill failed to pass to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Carpenter of Dallas:

H. B. No. 60, A bill to be entitled "An Act amending Article 7542 as amended by the Acts of 1897, defining the duties of the tax assessor and his deputies, prescribing an oath to be administered to the tax payers and those who render property for taxation, and providing a penalty for failure to comply with the requirements of this act."

Referred to Judiciary Committee.

By Mr. Carpenter of Dallas:

H. B. No. 61, A bill to be entitled "An Act to amend Article 7547 of the Acts of the Revised Civil Statutes as amended by the Acts of 1909, page 373, prescribing the duties of the owner or agent of property subject to taxation under the laws of this State and requiring such person to render property for taxation, and providing a penalty for failure to comply with the provisions of this act."

Referred to Judiciary Committee.

#### RECESS.

On motion of Mr. Quaid, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

#### CONDEMNING CERTAIN REMARKS MADE BY EUGENE V. DEBS.

Mr. Green offered the following resolution:

Whereas, The public press of today reports that Eugene V. Debs, speaking in the city of New York, declared "I am a casualty of the World War and I am entitled to an ex-service man's bonus"; and

Whereas, Such a statement made by a man of his character is an insult to the ex-service men of America, because, while the manhood of this nation was fighting the enemies of this government upon foreign battlefields, Eugene V. Debs was stabbing them in the back with his insidious propaganda, opposing the prosecution of the war, and was paid and satisfied with the applause received from those who sought to weaken America in its fight for the freedom of the world; and

Whereas, Said Eugene V. Debs apparently does not consider such actions a

crime against the nation's safety and honor, because, upon first coming into the sunlight of freedom from the Federal prison, following executive clemency, he offered no word of atonement for his crime, he voiced no word of praise to the fighting men who served him and his nation, he gave no word of sympathy for America's dead in France, nor for the men, who, wounded in mind and body, must live the war forever in the homes and hospitals of America; but instead has contented himself with making public addresses in favor of Bolsheviks, Reds, Communists and other criminal radicals that are a menace to our government; therefore, be it

Resolved by the House of Representatives of the State of Texas, That the said public statement of Eugene V. Debs be condemned as an insult to the men, living and dead, who wore the uniform of this nation during the World War and brought us a new honor and glory.

Signed—Baker of Orange, Stewart of Galveston, Harris, McFarlane, Stewart of Edwards, Cowen, Maxwell, Green, Stiernberg, Thrasher, Gipson, Jacks, Purl, DeBerry, Pate.

The resolution was read second time.

Mr. Laird moved that the resolution be referred to the Committee on State Affairs.

On motion of Mr. Green the motion to refer was tabled.

Question recurring on the resolution, yeas and nays were demanded.

The roll was called and developed the fact that there was not a quorum present.

Mr. Jacks moved a call of the House for the purpose of maintaining a quorum pending consideration of the resolution offered by Mr. Green, and the call was duly seconded.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Moore, the Sergeant-at-Arms was instructed to bring in all absentees within the city.

The roll was again called and a quorum was announced present.

Question again recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—99.

Mr. Speaker.	Laird.
Amsler.	Lane.
Arnold.	LeMaster.
Avis.	McBride.
Baker of Milam.	McDaniel.
Baker of Orange.	McDonald.
Barrett.	McFarlane.
Beasley.	McKean.
Bell.	Martin.
Bird.	Melson.
Burmeister.	Merritt.
Cable.	Miller.
Carpenter	Moore.
of Dallas.	Morgan
Carpenter	of Liberty.
of Matagorda.	Pate.
Carson.	Patman.
Carter of Hays.	Patterson.
Chitwood.	Perdue.
Collins.	Pool.
Cowen.	Pope.
Crawford.	Potter.
Culp.	Purl.
Davis.	Quaid.
DeBerry.	Quinn.
Dielmann.	Rice.
Dinkle.	Rogers.
Dodd.	Russell
Downs.	of Callahan.
Driggers.	Russell of Trinity.
Duffey.	Satterwhite.
Dunlap.	Shearer.
Dunn.	Simpson.
Durham.	Smith.
Edwards.	Sparkman.
Faubion.	Stell.
Fields.	Stewart
Fugler.	of Edwards.
Gipson.	Stewart
Green.	of Galveston.
Greer.	Stewart of Jasper.
Hardin of Erath.	Stiernberg.
Hardin	Storey.
of Kaufman.	Stroder.
Harris.	Teer.
Henderson	Thompson.
of Marion.	Thrasher.
Houston.	Turner.
Howeth.	Wallace.
Irwin.	Westbrook.
Jacks.	Wilmans.
Jennings.	Winfree.
Kemble.	Young.
Lackey.	

## Present—Not Voting.

Bryant.	Wilson.
Wessels.	

## Absent.

Abney.	Coffee.
Baldwin.	Covey.
Barker.	Davenport.
Bobbitt.	Finlay.
Bonham.	Frnka.

Harrington.	Morgan
Henderson	of Robertson.
of McLennan.	Pinkston.
Hendricks.	Robinson.
Hull.	Rowland.
Johnson.	Sanford.
LeStourgeon.	Shires.
Lewis.	Stevens.
Loftin.	Stewart of Reeves.
McNatt.	Strickland.
Mathes.	Vaughan.
Maxwell.	Wells.
Montgomery.	Williamson.

Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Hughes.	Price.
Jones.	Sackett.
Lamb.	Sweet.

#### BILLS RE-REFERED.

On motion of Mr. Carpenter of Dallas, House bills Nos. 60 and 61 were withdrawn from the Committee on Revenue and Taxation and referred to the Judiciary Committee.

#### HOUSE BILL NO. 1 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 1, A bill to be entitled "An Act to amend Article 7374 of the Revised Civil Statutes of 1911, levying and providing for the payment of an occupation tax on all persons, firms, companies, corporations, common law trusts, associations operating under a declaration of trust, or any other association or concern, of whatsoever name known or howsoever organized, formed or created, owning, managing or operating any pipe line or pipe lines within this State, based upon gross receipts derived from business done within this State in intrastate commerce, and declaring an emergency."

The bill was read second time.

Mr. Culp offered the following amendment to the bill:

Amend House bill No. 1 by striking out the words and figure "3 per cent" wherever they occur in the bill and insert the words and figures "1½ per cent" in lieu thereof.

The amendment was lost.

House bill No. 1 was then passed to engrossment.

#### HOUSE BILL NO. 1 ON THIRD READING.

Mr. Patman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—91.

Mr. Speaker.	Lane.
Arnold.	LeMaster.
Baker of Milam.	McBride.
Baker of Orange.	McDaniel.
Barker.	McDonald.
Barrett.	Martin.
Beasley.	Mathes.
Bell.	Merritt.
Bryant.	Miller.
Cable.	Montgomery.
Carpenter	Moore.
of Dallas.	Pate.
Carpenter	Patman.
of Matagorda.	Patterson.
Carson.	Perdue.
Chitwood.	Pinkston.
Covey.	Pool.
Cowen.	Purl.
Crawford.	Quaid.
Davis.	Quinn.
DeBerry.	Rice.
Dielmann.	Rogers.
Dinkle.	Russell
Dodd.	of Callahan.
Downs.	Russell of Trinity.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunlap.	Shires.
Dunn.	Simpson.
Durham.	Smith.
Edwards.	Sparkman.
Faubion.	Stell.
Fields.	Stevens.
Finlay.	Stewart
Frnka.	of Edwards.
Fugler.	Stewart
Gipson.	of Galveston.
Green.	Stewart of Jasper.
Greer.	Stroder.
Harris.	Thompson.
Henderson	Thrasher.
of Marion.	Turner.
Hendricks.	Wallace.
Howeth.	Westbrook.
Irwin.	Wilmans.
Jacks.	Wilson.
Jennings.	Winfree.
Lackey.	Young.
Laird.	

Nays—15.

Amsler.	Burmeister.
Avis.	Carter of Hays.
Bird.	Collins.



Culp.	Morgan
Hardin	of Liberty.
of Kaufman.	Stiernberg.
Houston.	Storey.
McFarlane.	Wessels.
Maxwell.	

Absent.

Abney.	McKean.
Baldwin.	McNatt.
Bobbitt.	Melson.
Bonham.	Morgan
Coffee.	of Robertson.
Davenport.	Pope.
Hardin of Erath.	Potter.
Harrington.	Robinson.
Henderson	Rowland.
of McLennan.	Shearer.
Hughes.	Stewart of Reeves.
Hull.	Strickland.
Johnson.	Teer.
Kemble.	Vaughan.
LeStourgeon.	Wells.
Lewis.	Williamson.
Loftin.	

Absent—Excused.

Atkinson.	Lusk.
Blount.	Merriman.
Carter of Coke.	Price.
Jones.	Sackett.
Lamb.	Sweet.
Looney.	

The Speaker then laid House bill No. 1 before the House on its third reading and final passage.

The bill was read third time and was passed.

Mr. Patman moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 10 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 10, A bill to be entitled "An Act levying an occupation tax upon the right and privilege of producing oil in this State by taking same from the earth; defining the words 'person,' 'market value' and 'oil'; levying such tax against those engaged in such production; requiring reports to be made in order to ascertain the amount of said tax due the State; prescribing penalties for failure to comply with the act requiring reports to be made and requiring said tax to be paid within a certain time; making necessary provision for carrying into effect the act

and accomplishing its purpose; amending Article 7383, Chapter 2, of Title 126 of the Revised Civil Statutes of 1911, as amended; providing that Articles 7386 and 7387, Revised Civil Statutes, shall not apply to those affected by this act, and declaring an emergency."

The bill was read second time.

Mr. Burmeister moved that further consideration of the bill be postponed until 10 o'clock a. m. tomorrow.

The motion to postpone was lost.

Mr. Satterwhite offered the following (committee) amendment to the bill:

Amend House bill No. 10 by striking out of subsection (1) of Section 4 the words and figures "five per cent (5%)" and substituting in lieu thereof the words and figures "three per cent (3%)."

Mr. Harris offered the following substitute for the (committee) amendment:

Amend House bill No. 10 by striking out "five per cent (5%)" and inserting in lieu thereof "two and one-fourth per cent (2½%)."

Mr. Satterwhite moved to table the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—77.

Amsler.	Fugler.
Baker of Milam.	Greer.
Barker.	Henderson
Barrett.	of Marion.
Beasley.	Henderson
Bell.	of McLennan.
Bird.	Hendricks.
Bonham.	Houston.
Bryant.	Howeth.
Cable.	Jacks.
Carpenter	Lackey.
of Matagorda.	Laird.
Carson.	Lane.
Carter of Hays.	LeMaster.
Coffee.	McBride.
Crawford.	McDaniel.
Davis.	McDonald.
DeBerry.	Mathes.
Dinkle.	Melson.
Dodd.	Merritt.
Downs.	Montgomery.
Driggers.	Moore.
Duffey.	Pate.
Dunlap.	Patman.
Dunn.	Perdue.
Durham.	Pinkston.
Edwards.	Pope.
Faubion.	Potter.
Fields.	Purl.
Finlay.	Quaid.
Frnka.	Rice.

Russell of Trinity.	Stewart
Sanford.	of Galveston.
Satterwhite.	Stewart of Jasper.
Shearer.	Stroder.
Shires.	Thompson.
Simpson.	Wallace.
Sparkman.	Westbrook.
Stell.	Wilson.
Stevens.	Young.
Stewart of Edwards.	

## Nays—28.

Arnold.	McFarlane.
Avis.	McKean.
Baker of Orange.	Martin.
Burmeister.	Maxwell.
Carpenter	Morgan
of Dallas.	of Liberty.
Chitwood.	Patterson.
Collins.	Pool.
Covey.	Quinn.
Dielmann.	Rogers.
Gipson.	Russell
Hardin	of Callahan.
of Kaufman.	Smith.
Harris.	Stiernberg.
Irwin.	Storey.
Jennings.	Wessels.

## Absent.

Abney.	McNatt.
Baldwin.	Miller.
Bobbitt.	Morgan
Cowen.	of Robertson.
Culp.	Robinson.
Davenport.	Rowland.
Green.	Stewart of Reeves.
Hardin of Erath.	Strickland.
Harrington.	Teer.
Hughes.	Thrasher.
Hull.	Turner.
Johnson.	Vaughan.
Kemble.	Wells.
LeStourgeon.	Williamson.
Lewis.	Wilmans.
Loftin.	Winfree.

## Absent—Excused.

Atkinson.	Lusk.
Blount.	Merriman.
Carter of Coke.	Price.
Jones.	Sackett.
Lamb.	Sweet.
Looney.	

Mr. Burmeister offered the following amendment to the amendment:

Amend the (committee) amendment by striking out the word "three" and insert the word "two."

Mr. McDaniel moved the previous question on the pending amendments and the bill, and the main question was ordered.

Question first recurring on the amend-

ment to the amendment, yeas and anys were demanded.

The amendment to the amendment was lost by the following vote:

## Yeas—31.

Amsler.	Irwin.
Arnold.	Jennings.
Avis.	McFarlane.
Baker of Orange.	McKean.
Burmeister.	Martin.
Carpenter	Maxwell.
of Matagorda.	Morgan
Chitwood.	of Liberty.
Collins.	Patterson.
Covey.	Purl.
Dielmann.	Quinn.
Fugler.	Russell
Gipson.	of Callahan.
Hardin	Smith.
of Kaufman.	Stiernberg.
Harris.	Storey.
Henderson	Stroder.
of McLennan.	Wessels.

## Nays—73.

Baker of Milam.	McBride.
Barrett.	McDaniel.
Beasley.	McDonald.
Bell.	Mathes.
Bird.	Melson.
Bonham.	Merritt.
Bryant.	Miller.
Cable.	Montgomery.
Carpenter	Moore.
of Dallas.	Pate.
Carson.	Patman.
Carter of Hays.	Perdue.
Coffee.	Pinkston.
Crawford.	Pool.
Davis.	Potter.
DeBerry.	Quaid.
Dinkle.	Rice.
Dodd.	Rogers.
Downs.	Russell of Trinity.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunlap.	Shires.
Dunn.	Simpson.
Durham.	Sparkman.
Edwards.	Stell.
Faubion.	Stevens.
Fields.	Stewart
Finlay.	of Edwards.
Frnka.	Stewart
Henderson	of Galveston.
of Marion.	Stewart of Jasper.
Hendricks.	Thompson.
Houston.	Thrasher.
Howeth.	Wallace.
Jacks.	Westbrook.
Lackey.	Wilmans.
Laird.	Wilson.
Lane.	Young.
LeMaster.	

## Present—Not Voting.

Mr. Speaker.

## Absent.

Abney.	McNatt.
Baldwin.	Morgan
Barker.	of Robertson.
Bobbitt.	Pope.
Cowen.	Robinson.
Culp.	Rowland.
Davenport.	Sackett.
Green.	Shearer.
Greer.	Stewart of Reeves.
Hardin of Erath.	Strickland.
Harrington.	Teer.
Hull.	Turner.
Johnson.	Vaughan.
Kemble.	Wells.
LeSturgeon.	Williamson.
Lewis.	Winfree.
Loftin.	

## Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Hughes.	Price.
Jones.	Sweet.
Lamb.	

Question then recurring on the (committee) amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—78.

Amsler.	Edwards.
Baker of Milam.	Fields.
Barrett.	Frnka.
Beasley.	Fugler.
Bell.	Greer.
Bird.	Hardin of Erath.
Bobbitt.	Harris.
Bonham.	Henderson
Bryant.	of Marion.
Cable.	Hendricks.
Carpenter	Houston.
of Dallas.	Howeth.
Carson.	Jacks.
Carter of Hays.	Lackey.
Chitwood.	Laird.
Coffee.	Lane.
Crawford.	LeMaster.
Culp.	McBride.
Davis.	McDaniel.
DeBerry.	McDonald.
Dinkle.	Mathes.
Dodd.	Melson.
Downs.	Merritt.
Driggers.	Miller.
Duffey.	Moore.
Dunlap.	Pate.
Dunn.	Patman.
Durham.	Patterson.

Perdue.	Smith.
Pinkston.	Sparkman.
Potter.	Stevens.
Purl.	Stewart
Quaid.	of Galveston.
Quinn.	Stewart of Jasper.
Rice.	Stroder.
Rogers.	Thompson.
Russell of Trinity.	Wallace.
Sanford.	Westbrook.
Satterwhite.	Wilmans.
Shires.	Wilson.
Simpson.	Young.

## Nays—24.

Avis.	McKean.
Burmeister.	Martin.
Carpenter	Maxwell.
of Matagorda.	Pool.
Collins.	Russell
Covey.	of Callahan.
Dielmann.	Shearer.
Finlay.	Stell.
Hardin	Stewart
of Kaufman.	of Edwards.
Henderson.	Stiernberg.
of McLennan.	Storey.
Irwin.	Thrasher.
Jennings.	Wessels.
McFarlane.	

## Absent.

Abney.	McNatt.
Arnold.	Montgomery.
Baker of Orange.	Morgan
Baldwin.	of Liberty.
Barker.	Morgan
Cowen.	of Robertson.
Davenport.	Pope.
Faubion.	Robinson.
Gipson.	Rowland.
Green.	Sackett.
Harrington.	Stewart of Reeves.
Hughes.	Strickland.
Hull.	Teer.
Johnson.	Turner.
Kemble.	Vaughan.
LeSturgeon.	Wells.
Lewis.	Williamson.
Loftin.	Winfree.

## Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Price.
Lamb.	Sweet.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 10 was then passed to engrossment by the following vote:

## Yeas—76.

Amsler.	Baker of Milam.
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Barrett.	LeMaster.
Beasley.	McBride.
Bell.	McDaniel.
Bird.	McDonald.
Bonham.	Mathes.
Bryant.	Melson.
Cable.	Merritt.
Carpenter	Miller.
of Matagorda.	Moore.
Carson.	Pate.
Carter of Hays.	Patman.
Coffee.	Perdue.
Crawford.	Pinkston.
Davis.	Pool.
DeBerry.	Potter.
Dinkle.	Purl.
Dodd.	Quaid.
Downs.	Rice.
Driggers.	Russell of Trinity.
Duffey.	Sanford.
Dunlap.	Satterwhite.
Dunn.	Shires.
Durham.	Simpson.
Edwards.	Sparkman.
Faubion.	Stell.
Fields.	Stevens.
Finlay.	Stewart
Frnka.	of Edwards.
Fugler.	Stewart
Greer.	of Galveston.
Hardin of Erath.	Stewart of Jasper.
Henderson	Thompson.
of Marion.	Thrasher.
Hendricks.	Wallace.
Houston.	Wells.
Howeth.	Westbrook.
Jacks.	Wilmons.
Lackey.	Wilson.
Laird.	Young.
Lane.	

## Nays—30.

Avis.	McKean.
Baker of Orange.	Martin.
Burmeister.	Maxwell.
Carpenter	Morgan
of Dallas.	of Liberty.
Chitwood.	Patterson.
Collins.	Pope.
Covey.	Quinn.
Dielmann.	Rogers.
Gipson.	Russell
Hardin	of Callahan.
of Kaufman.	Shearer.
Harris.	Smith.
Henderson	Stiernberg.
of McLennan.	Storey.
Irwin.	Stroder.
Jennings.	Wessels.
McFarlane.	

## Absent.

Abney.	Cowen.
Arnold.	Culp.
Baldwin.	Davenport.
Barker.	Green.
Bobbitt.	Harrington.

Hull.	Robinson.
Johnson.	Rowland.
Kemble.	Sackett.
LeSturgeon.	Stewart of Reeves.
Lewis.	Strickland.
Loftin.	Teer.
McNatt.	Turner.
Montgomery.	Vaughan.
Morgan	Williamson.
of Robertson.	Winfree.

## Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Hughes.	Price.
Jones.	Sweet.
Lamb.	

## HOUSE BILL NO. 10 ON THIRD READING.

Mr. Satterwhite moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—90.

Mr. Speaker.	Frnka.
Amsler.	Fugler.
Arnold.	Greer.
Baker of Milam.	Hardin of Erath.
Baker of Orange.	Harris.
Barrett.	Henderson
Beasley.	of Marion.
Bell.	Hendricks.
Bird.	Houston.
Bonham.	Howeth.
Bryant.	Irwin.
Cable.	Jacks.
Carpenter	Jennings.
of Dallas.	Lackey.
Carpenter	Laird.
of Matagorda.	Lane.
Carter of Hays.	LeMaster.
Chitwood.	McBride.
Coffee.	McDaniel.
Covey.	McDonald.
Crawford.	McNatt.
Culp.	Martin.
Davis.	Mathes.
DeBerry.	Melson.
Dinkle.	Merritt.
Dodd.	Miller.
Downs.	Montgomery.
Driggers.	Moore.
Duffey.	Pate.
Dunlap.	Patman.
Dunn.	Perdue.
Durham.	Pinkston.
Faubion.	Pool.
Fields.	Potter.
Finlay.	Purl.

Quaid.	Stewart
Quinn.	of Edwards.
Rice.	Stewart
Rogers.	of Galveston.
Russell of Trinity.	Stewart of Jasper.
Sanford.	Strickland.
Satterwhite.	Thompson.
Shearer.	Thrasher.
Shires.	Wallace.
Simpson.	Westbrook.
Sparkman.	Wilmans.
Stell.	Wilson.
Stevens.	Young.

## Nays—17.

Avis.	McKean.
Burmeister.	Maxwell.
Collins.	Patterson.
Dielmann.	Pope.
Gipson.	Russell
Hardin	of Callahan.
of Kaufman.	Smith.
Henderson	Stiernberg.
of McLennan.	Storey.
McFarlane.	Wessels.

## Present—Not Voting.

Stroder.

## Absent.

Abney.	Lewis.
Baldwin.	Loftin.
Barker.	Morgan
Bobbitt.	of Robertson.
Carson.	Robinson.
Cowen.	Rowland.
Davenport.	Sackett.
Edwards.	Stewart of Reeves.
Green.	Turner.
Harrington.	Vaughan.
Hull.	Wells.
Johnson.	Williamson.
Kemble.	Winfree.
LeStourgeon.	

## Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Hughes.	Price.
Jones.	Sweet.
Lamb.	

## Paired.

Mr. Morgan of Liberty (present), who would vote "nay," with Mr. Teer (absent), who would vote "yea."

The Speaker then laid House bill No. 10 before the House on its third reading and final passage.

The bill was read third time.

Mr. McFarlane offered the following amendment to the bill:

Amend by striking out all of Article

7383, Section 1, and inserting in lieu thereof the following:

"Each and every person owning, controlling, managing, operating or leasing in this State any oil well, lumber yard or lumber of any kind, or any person who produces in any other manner any oil or lumber by taking it from the earth or severing same from the earth in this State, shall make quarterly on the first days of January, April, July and October of each year a report to the Comptroller of Public Accounts, under oath of such person, showing the total amount of oil produced or lumber severed by such person during the quarter next preceding and the average market value thereof during said quarter. Each such person on said first days of January, April, July and October shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to three (3) per cent of the value of the total amount of oil and lumber produced in the State by such person during the quarter preceding such first days of January, April, July and October at the average market value thereof."

On motion of Mr. Wessels, the amendment was tabled.

Mr. Stiernberg offered the following amendment to the bill:

Amend House bill No. 10 by adding after the word "oil" wherever such word occurs the following: "and all other minerals"; and by adding after the words "oil well" wherever said words occur the following: "and all mines"; and by adding a section after Section 2 to be known as Section 2a, to read as follows: "All laws or parts of laws in conflict herewith are hereby repealed."

Mr. Wallace moved the previous question on the pending amendment and the bill, and the main question was ordered.

Mr. McFarlane moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 10, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

Question recurring on the amendment by Mr. Stiernberg, it was lost.

Question then recurring on the final

passage of the bill, yeas and nays were demanded.

House bill No. 10 was then passed by the following vote:

Yeas—77.

Abney.	Jacks.
Amsler.	Lackey.
Baker of Milam.	Laird.
Baker of Orange.	Lane.
Barker.	LeMaster.
Barrett.	McBride.
Beasley.	McDaniel.
Bell.	McDonald.
Bird.	Mathes.
Bonham.	Merritt.
Bryant.	Miller.
Cable.	Moore.
Carpenter	Pate.
of Dallas.	Patman.
Carpenter	Perdue.
of Matagorda.	Pinkston.
Carson.	Potter.
Coffee.	Quaid.
Crawford.	Rice.
Culp.	Rogers.
Davis.	Russell of Trinity.
DeBerry.	Sanford.
Dinkle.	Satterwhite.
Dodd.	Shires.
Downs.	Simpson.
Driggers.	Sparkman.
Duffey.	Stell.
Dunlap.	Stevens.
Dunn.	Stewart
Durham.	of Edwards.
Edwards.	Stewart
Faubion.	of Galveston.
Fields.	Stewart of Jasper.
Finlay.	Strickland.
Frnka.	Thompson.
Fugler.	Thrasher.
Greer.	Wallace.
Henderson	Westbrook.
of Marion.	Wilmans.
Hendricks.	Wilson.
Houston.	Young.
Howeth.	

Nays—30.

Avis.	McKean.
Burmeister.	Martin.
Carter of Hays.	Maxwell.
Chitwood.	Patterson.
Collins.	Pool.
Covey.	Pope.
Dielmann.	Purl.
Gipson.	Quinn.
Hardin of Erath.	Russell
Hardin	of Callahan.
of Kaufman.	Shearer.
Harris.	Stiernberg.
Henderson	Storey.
of McLennan.	Stroder.
Irwin.	Turner.
Jennings.	Wessels.
McFarlane.	

Absent.

Arnold.	McNatt.
Baldwin.	Melson.
Bobbitt.	Montgomery.
Cowen.	Morgan
Davenport.	of Robertson.
Green.	Robinson.
Harrington.	Rowland.
Hull.	Smith.
Johnson.	Stewart of Reeves.
Kemble.	Vaughan.
LeSturgeon.	Wells.
Lewis.	Williamson.
Loftin.	Winfree.

Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Hughes.	Price.
Jones.	Sackett.
Lamb.	Sweet.

Paired.

Mr. Morgan of Liberty (present), who would vote "nay," with Mr. Teer (absent), who would vote "yea."

HOUSE BILL NO. 33 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 33, A bill to be entitled "An Act to preserve and protect the wild fur-bearing animals of this State; declaring wild fur-bearing animals to be the property of the State; providing for the issuance of trappers' licenses and the disposition of the license fees; defining offenses and prescribing penalties for the violation thereof, and making it the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this act; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Patman raised a point of order on consideration of the bill on the ground that the bill does not come within the Governor's call.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

The House then sustained the point of order.

The Speaker then stated that he would follow the instructions of the House and sustain the point of order.

HOUSE BILL NO. 41 ON THIRD  
READING.

Mr. Cable moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 41 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97.

Mr. Speaker.	LeMaster.
Amsler.	McBride.
Arnold.	McDaniel.
Avis.	McDonald.
Baker of Milam.	McFarlane.
Barker.	McKean.
Barrett.	Martin.
Bell.	Mathes.
Bird.	Maxwell.
Bonham.	Merritt.
Bryant.	Miller.
Burmeister.	Montgomery.
Cable.	Moore.
Carpenter	Morgan
of Dallas.	of Liberty.
Carpenter	Pate.
of Matagorda.	Patman.
Carson.	Patterson.
Carter of Hays.	Perdue.
Chitwood.	Pinkston.
Coffee.	Pool.
Collins.	Potter.
Cowen.	Quaid.
Crawford.	Rice.
Davis.	Robinson.
DeBerry.	Rogers.
Dielmann.	Russell
Dinkle.	of Callahan.
Dodd.	Russell of Trinity.
Downs.	Sanford.
Driggers.	Satterwhite.
Duffey.	Shearer.
Dunlap.	Shires.
Dunn.	Smith.
Durham.	Sparkman.
Edwards.	Stell.
Faubion.	Stevens.
Fields.	Stewart
Finlay.	of Edwards.
Frnka.	Stewart of Jasper.
Fugler.	Stiernberg.
Greer.	Strickland.
Hardin of Erath.	Stroder.
Henderson	Thompson.
of Marion.	Thrasher.
Henderson	Turner.
of McLennan.	Wallace.
Houster.	Wells.
Howeth.	Westbrook.
Irwin.	Wessels.
Jennings.	Wilson.
Lackey.	Winfree.
Lane.	Young.

## Nays—4.

Beasley.	Laird.
Hardin	Storey.
of Kaufman.	

## Absent.

Abney.	Loftin.
Baker of Orange.	McNatt.
Baldwin.	Melson.
Bobbitt.	Morgan
Covey.	of Robertson.
Culp.	Pope.
Davenport.	Purl.
Gipson.	Quinn.
Green.	Rowland.
Harrington.	Simpson.
Harris.	Stewart
Hendricks.	of Galveston.
Hull.	Stewart of Reeves.
Jacks.	Teer.
Johnson.	Vaughan.
Kemble.	Williamson.
LeSturgeon.	Wilmans.
Lewis.	

## Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Hughes.	Price.
Jones.	Sackett.
Lamb.	Sweet.

The Speaker then laid House bill No. 41 before the House on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL NO. 34 ON ENGROSS-  
MENT.

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 34, A bill to be entitled "An Act to repeal that portion of the appropriation designated as Vital Statistics, Bureau of Laboratories and Bureau of Communicable Diseases of the appropriation for the Health Department of Texas as provided for in House bill No. 203 passed at the Second Called Session of the Thirty-eighth Legislature, and to provide revenue for the maintenance by providing a fee to be charged up as other cost in divorces and an additional fee for marriage licenses, and appropriating the revenues therefrom for the support and maintenance of the State Health Department of Texas, and to provide for keeping records of marriages and divorces, and

providing a penalty for the failure of the county and district clerks to report marriages and divorces to the Health Department of Texas, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 34 by striking out Sections 2, 3 and 4 and all of lines 28 to 31 and all of line 27 after the word "repealed," page 1, and amend the caption accordingly.

(Mr. Beasley in the chair.)

Mr. Quaid moved that further consideration of the bill be postponed indefinitely.

Mr. McFarlane raised a point of order on consideration of the bill on the ground that it does not come within the Governor's call.

The Speaker overruled the point of order.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

#### Yeas—58.

Amsler.	McBride.
Arnold.	McDaniel.
Avis.	McFarlane.
Barker.	Martin.
Barrett.	Merritt.
Bird.	Miller.
Bobbitt.	Patman.
Bonham.	Perdue.
Bryant.	Pool.
Burmeister.	Pope.
Cable.	Potter.
Carson.	Purl.
Covey.	Rice.
Cowen.	Rogers.
Crawford.	Russell
Davis.	of Callahan.
Dielmann.	Russell of Trinity.
Dinkle.	Sanford.
Finlay.	Satterwhite.
Gipson.	Shires.
Hardin	Smith.
of Kaufman.	Stewart
Harris.	of Edwards.
Henderson	Stewart of Jasper.
of Marion.	Storey.
Henderson	Strickland.
of McLennan.	Thompson.
Houston.	Turner.
Howeth.	Wallace.
Jennings.	Westbrook.
Lackey.	Wessels.
Laird.	Wilson.

#### Nays—40.

Bell.	LeMaster.
Carpenter	McKean.
of Dallas.	Mathes.
Carpenter	Melson.
of Matagorda.	Moore.
Carter of Hays.	Morgan
Chitwood.	of Liberty.
Coffee.	Patterson.
Culp.	Pinkston.
DeBerry.	Quaid.
Dodd.	Shearer.
Driggers.	Sparkman.
Duffey.	Stell.
Dunn.	Stewart
Durham.	of Galveston.
Fields.	Stiernberg.
Fugler.	Stroder.
Greer.	Thrasher.
Hardin of Erath.	Wells.
Hendricks.	Wilmons.
Irwin.	Young.
Kemble.	
Lane.	

#### Present—Not Voting.

McDonald.	Simpson.
Quinn.	

#### Absent.

Abney.	LeSturgeon.
Baker of Milam.	Lewis.
Baker of Orange.	Loftin.
Baldwin.	McNatt.
Beasley.	Maxwell.
Collins.	Montgomery.
Davenport.	Morgan
Downs.	of Robertson.
Dunlap.	Pate.
Edwards.	Robinson.
Faubion.	Rowland.
Frnka.	Stevens.
Green.	Stewart of Reeves.
Harrington.	Teer.
Hull.	Vaughan.
Jacks.	Williamson.
Johnson.	Winfree.

#### Absent—Excused.

Atkinson.	Looney.
Blount.	Lusk.
Carter of Coke.	Merriman.
Hughes.	Price.
Jones.	Sackett.
Lamb.	Sweet.

Mr. Culp moved to reconsider the vote by which the amendment was adopted and asked to have the motion to reconsider spread on the Journal.

Mr. Cable called up the motion to reconsider, and moved to table the motion.

The motion to table prevailed.

Question then recurring on the motion to postpone indefinitely, it prevailed.



Mr. Cable moved to reconsider the vote by which the bill was postponed indefinitely and to table the motion to reconsider.

The motion to table prevailed.

# HOUSE BILL NO. 40 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 40, A bill to be entitled "An Act levying an occupation tax on persons, firms or corporations engaged in the occupation of maintaining billboards; defining the term billboard, maintaining billboards; and providing that the occupation tax so levied shall be three cents per square foot."

The bill was read second time.

Mr. Lackey offered the following (committee) amendment to the bill:

Amend House bill No. 40, Section 3, by striking out the word "three" and inserting in lieu thereof "one and one-half."

Question recurring on the (committee) amendment, it was adopted.

Mr. Lackey offered the following amendment to the bill:

Amend House bill No. 40, Section 1, line 16, by adding the following after the word "occupation": "Provided, however, that this act shall not apply to billboards used by persons, firms, companies or associations of persons in advertising only their own business."

The amendment was adopted.

Mr. Cable offered the following amendment to the bill:

Amend House bill No. 40 by striking out the enacting clause.

(Speaker in the chair.)

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—51.

Amsler.	Dielmann.
Avis.	Dodd.
Barker.	Duffey.
Barrett.	Dunn.
Beasley.	Edwards.
Bell.	Frnka.
Burmeister.	Fugler.
Cable.	Gipson.
Carpenter	Green.
of Dallas.	Greer.
Chitwood.	Hardin
Coffee.	of Kaufman.
Collins.	Harris.
Crawford.	

Henderson  
of Marion.  
Jennings.  
Laird.  
Looney.  
McDaniel.  
McFarlane.  
Miller.  
Moore.  
Morgan  
of Liberty.  
Perdue.  
Pool.  
Pope.  
Purl.

Quaid.  
Quinn.  
Rogers.  
Russell  
of Callahan.  
Shires.  
Strickland.  
Stroder.  
Thompson.  
Vaughan.  
Westbrook.  
Wessels.  
Wilson.  
Young.

Nays—49.

Arnold.  
Baker of Milam.  
Bird.  
Bonham.  
Carpenter  
of Matagorda.  
Carson.  
Covey.  
Culp.  
Davis.  
DeBerry.  
Downs.  
Driggers.  
Durham.  
Fields.  
Finlay.  
Houston.  
Kemble.  
Lackey.  
Lane.  
LeMaster.  
McBride.  
McKean.  
Martin.  
Mathes.  
Maxwell.

Melson.  
Merritt.  
Montgomery.  
Patman.  
Pinkston.  
Potter.  
Russell of Trinity.  
Sanford.  
Satterwhite.  
Shearer.  
Simpson.  
Smith.  
Sparkman.  
Stell.  
Stevens.  
Stewart  
of Edwards.  
Stewart of Jasper.  
Stiernberg.  
Storey.  
Thrasher.  
Turner.  
Wallace.  
Wells.  
Winfree.

Present—Not Voting.

Mr. Speaker. Howeth.  
Bryant.

Absent.

Abney.	LeStourgeon.
Baker of Orange.	Lewis.
Baldwin.	Loftin.
Bobbitt.	McDonald.
Carter of Hays.	McNatt.
Cowen.	Morgan
Davenport.	of Robertson.
Dinkle.	Pate.
Dunlap.	Patterson.
Faubion.	Rice.
Hardin of Erath.	Robinson.
Harrington.	Rowland.
Henderson	Stewart
of McLennan.	of Galveston.
Hendricks.	Stewart of Reeves.
Hull.	Teer.
Irwin.	Williamson.
Jacks.	Wilmans.
Johnson.	

## Absent—Excused.

Atkinson.	Lusk.
Blount.	Merriman.
Carter of Coke.	Price.
Hughes.	Sackett.
Jones.	Sweet.
Lamb.	

Mr. Moore moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—50.

Amsler.	Houston.
Arnold.	Howeth.
Avis.	Jennings.
Barker.	Looney.
Barrett.	McDaniel.
Beasley.	McFarlane.
Bell.	Miller.
Bonham.	Moore.
Burmeister.	Morgan
Cable.	of Liberty.
Chitwood.	Perdue.
Coffee.	Pool.
Collins.	Pope.
Crawford.	Purl.
Dielmann.	Quaid.
Duffey.	Rogers.
Dunn.	Russell
Edwards.	of Callahan.
Frnka.	Satterwhite.
Gipson.	Stevens.
Green.	Stroder.
Greer.	Thompson.
Hardin	Vaughan.
of Kaufman.	Westbrook.
Harris.	Wessels.
Henderson	Wilson.
of Marion.	Young.

## Nays—50.

Baker of Milam.	Lackey.
Bird.	Laird.
Carpenter	Lane.
of Dallas.	LeMaster.
Carpenter	McBride.
of Matagorda.	McKean.
Carson.	Martin.
Covey.	Mathes.
Culp.	Maxwell.
Davis.	Melson.
DeBerry.	Merritt.
Dodd.	Montgomery.
Downs.	Patman.
Driggers.	Pinkston.
Durham.	Potter.
Fields.	Quinn.
Finlay.	Russell of Trinity.
Fugler.	Sanford.
Kemble.	Shearer.

Shires.	Stiernberg.
Simpson.	Storey.
Smith.	Strickland.
Sparkman.	Thrasher.
Stell.	Turner.
Stewart	Wallace.
of Edwards.	Wells.
Stewart of Jasper.	Winfree.

## Present—Not Voting.

Mr. Speaker.	Bryant.
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## Absent.

Abney.	Jones.
Baker of Orange.	Lamb.
Baldwin.	LeSturgeon.
Bobbitt.	Lewis.
Carter of Hays.	Loftin.
Cowen.	McDonald.
Davenport.	McNatt.
Dinkle.	Morgan
Dunlap.	of Robertson.
Faubion.	Pate.
Hardin of Erath.	Patterson.
Harrington.	Rice.
Henderson	Robinson.
of McLennan.	Rowland.
Hendricks.	Stewart
Hughes.	of Galveston.
Hull.	Stewart of Reeves.
Irwin.	Teer.
Jacks.	Williamson.
Johnson.	Wilmons.

## Absent—Excused.

Atkinson.	Merriman.
Blount.	Price.
Carter of Coke.	Sackett.
Lusk.	Sweet.

## NOTICE GIVEN.

Mr. Lackey gave notice that he would on tomorrow call up for consideration at that time the motion to reconsider the vote by which the amendment by Mr. Cable to House bill No. 40 was adopted.

## ADJOURNMENT.

On motion of Mr. Satterwhite, the House, at 5:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following standing committees have filed favorable reports today on bills as follows:

Revenue and Taxation—House bills Nos. 8, 2, 36, 58, 28 and 25.

The following standing committee has filed unfavorable report today on bill as follows:

Revenue and Taxation—House bill No. 24.

#### REASON FOR VOTE.

On the vote to indefinitely postpone House bill No. 30 I voted "no," which as a matter of record I wish to give my reasons.

Had this been a vote on final passage I would have voted against the bill. The bill had not had a chance to be amended on the floor. I would vote for an income tax if it could be substituted for the present ad valorem tax. I understand that such an amendment would have been offered. To make myself clear I am against an income tax as an additional tax, but would support it if it could be substituted for the present ad valorem.

DeBERRY.

#### REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, May 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 41, A bill to be entitled "An Act prescribing the method of the county tax collector making remittances to the State Treasurer or any other State officer, board, commission or employe of the State, and inhibiting the payment of exchange on any such remittances; providing that liability shall not cease until actual receipt of money, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,  
Austin, Texas, May 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 10, A bill to be entitled "An Act levying an occupation tax upon the right and privilege of producing oil in this State by taking same from the earth; defining the words 'person,' 'market value' and 'oil'; levying such tax against those engaged in such pro-

duction; requiring reports to be made in order to ascertain the amount of said tax due the State; prescribing penalties for failure to comply with the act requiring reports to be made and requiring said tax to be paid within a certain time; making necessary provision for carrying into effect the act and accomplishing its purpose; amending Article 7383, Chapter 2, of Title 126 of the Revised Civil Statutes of 1911, as amended; providing that Articles 7386 and 7387, Revised Civil Statutes, shall not apply to those affected by this act, and declaring an emergency,"

And find the same correctly engrossed.  
SANFORD, Acting Chairman.

Committee Room,  
Austin, Texas, May 24, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 1, A bill to be entitled "An Act to amend Article 7374 of the Revised Civil Statutes of 1911, levying and providing for the payment of an occupation tax on all persons, firms, companies, corporations, common law trusts, associations operating under a declaration of trust, or any other association or concern, of whatsoever name known or howsoever organized, formed or created, owning, managing or operating any pipe line or pipe lines within this State, based upon gross receipts derived from business done within this State in intrastate commerce, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

#### SIXTH DAY.

(Friday, May 25, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Mr. Beasley.

The roll was called and the following members were present:

Amsler.	Bell.
Arnold.	Bird.
Avis.	Bonham.
Baker of Milam.	Bryant.
Baker of Orange.	Burmeister.
Barker.	Cable.
Barrett.	Carpenter
Beasley.	of Dallas.